

Notice of Allowability

Application No.

09/595,774

Examiner

Michael Y Won

Applicant(s)

GOURLAY, DOUGLAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on June 9, 2004 and Interview Summary (attached).
2. ☒ The allowed claim(s) is/are 1-31,37-44,46-49,51-54 and 56-97.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. This action is in response to the amendment filed on June 9, 2004 and the interview conducted on September 7, 2004 (Interview Summary attached).

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-31, 37-44, 46-49, 51-54, and 56-97, drawn to Network Resource Allocating, classified in class 709, subclass 226.
 - II. Claims 32-36, 45, 50, and 55, drawn to Remote Data Accessing, classified in class 709, subclass 217.
3. During a telephone conversation with Marc Hanish (Applicant's representative) on September 7, 2004, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-31, 37-44, 46-49, 51-54 and 56-97. Applicant in replying to this Office action must make affirmation of this election. Claims 32-36, 45, 50, and 55 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc Hanish (Applicant's representative) on September 7, 2004.

5. The application has been amended as follows: Claims 32-36, 45, 50, and 55 are cancelled.

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-31, 37-44, 46-49, 51-54, and 56-97 are allowable.

Although the "HUP packet" is not a known standard term in the art and the applicant is able to be his/her own lexicographer, the examiner addresses the definition in the specification, "a special payload called a HUP packet will be appended to the SYN packet. The HUP packet will contain the full url of the http address being requested" (page 12, lines 4-6), for supporting the reasons for allowance. Prior art of record does

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not disclose, teach, or suggest "wherein the distance field is utilized upon receiving a request, said request including a SYN packet and an HUP packet" and therefore the claims 1-31, 37-44, 46-49, 51-54, and 56-97 are found allowable over the prior art of record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

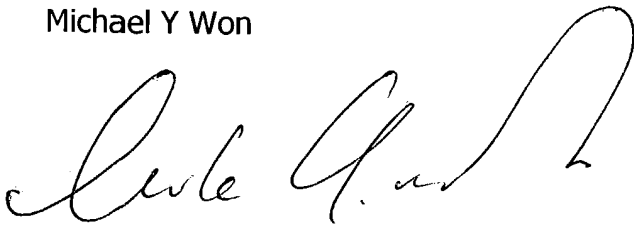
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



September 7, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER